

**DECLARATION OF EMERGENCY**

Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division

Notification Requirements for Unauthorized Emissions  
(LAC 33:I.3925 and 3931) (OS052E3)

In accordance with the emergency provisions of La. R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality (“department”) to use emergency procedures to establish rules, and R.S. 30:2011, the secretary of the department hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

This is a renewal of Emergency Rule OS052E2, which was effective on April 8, 2004, and published in the *Louisiana Register* on April 20, 2004. The department is promulgating a rule (OS052) that includes the amendments in this Emergency Rule.

In the last two years, the Baton Rouge Nonattainment Area (the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) has experienced exceedances of the one-hour ozone National Ambient Air Quality Standard (NAAQS) promulgated by the United States Environmental Protection Agency (US EPA). These exceedances did not occur during circumstances that typically result in excessive ozone formation and led to ozone readings the Baton Rouge area has not experienced in a decade. The ozone readings for two separate episodes in September 2002 and July 2003 were 164 parts per billion (ppb) and 174 ppb respectively, over 30 percent above the standard. Monitoring results from these exceedances indicate a high rate and efficiency of ozone production, which was limited spatially to the immediate Baton Rouge area. These ozone episodes correspond very well to the kind of episodes that have occurred in the Houston/Galveston areas. The Texas Air Quality Study, conducted in the Houston/Galveston areas, concluded that the reactivity of the hydrocarbons was most often dominated by low molecular weight alkenes and aromatics resulting in explosive ozone formation. Results from computer simulations based on Houston’s industrial regions suggest emissions of as little as 100 pounds of light alkenes and aromatics can lead to 50 ppb or greater enhancements of ozone concentrations. Air quality sampling in the Baton Rouge area also showed substantial quantities of the mentioned ozone precursors. Baton Rouge’s type of industry (petrochemical plants and refineries) and meteorological conditions are similar enough to Houston to warrant further investigation. The ozone formation experienced in the Baton Rouge area may similarly be the result of the emissions of “highly reactive” ozone precursors.

The department continues to need additional information regarding the unauthorized releases of these highly reactive ozone precursors to understand, predict, and prevent further exceedances of the ozone standard. This information is needed immediately to monitor the remainder of the 2004 ozone season in the hopes of achieving attainment of the standard. Facilities are to continue to follow the LAC 33:I.Chapter 39 reporting protocols and, whenever possible, to utilize the new notification procedures found at <http://www.deq.louisiana.gov/surveillance/irf/forms> and <http://www.deq.louisiana.gov/surveillance>.

Revisions to the regulations include additional information to be included on the written notification report required in LAC 33:I.3925. This information will enhance the investigation of highly reactive VOC that is in progress. The table in LAC 33:I.3931 is being amended for clarification, and a footnote is revised to clarify that for releases of highly reactive VOC, the lowered Reportable Quantity only applies to releases to the atmosphere. This renewal also corrects two errors in the table in LAC 33:I.3931.

This Emergency Rule is effective on August 6, 2004, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning OS052E3, you may contact the Regulation Development Section at (225) 219-3550.

Adopted this 3rd day of August, 2004.

Mike D. McDaniel, Ph.D.  
Secretary

**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 2. Notification**

**Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges**

**Subchapter D. Notification Procedures**

**§3925. Written Notification Procedures for the Department of Environmental Quality**

A. – B.3. ...

4. details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge emergency condition, including incidents of loss of sources of radiation; and if the release point is permitted:

a. the current permitted limit for the pollutant(s) released;

b. the permitted release point/outfall ID; and

c. which limits were exceeded (SO<sub>2</sub> limit, mass emission limit, opacity limit, etc.) for air releases;

5. common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number; and U.S. Department of Transportation hazard classification, and best estimate of amounts of any or all discharged released pollutants (total amount of each compound expressed in pounds, include calculations); including methodology for calculations and estimate;

B.6. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C) and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:

**Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges**

**§3931. Reportable Quantity List for Pollutants**

A. – A.2.b. ...

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants.

Pollutant	CAS No. <sup>1</sup>	RCRA <sup>2</sup> Waste Number	Pounds
Acetaldehyde	75070	U001	100 <sup>†</sup>
* * *			
[See Prior Text in Allyl chloride – Antimony*]			
Antimony Compounds	20008		100 <sup>⊕</sup>
Barium*	7440393		100 <sup>⊕</sup>
Barium compounds	20020		100 <sup>⊕</sup>
Biphenyl	92524		100/400 <sup>⊕</sup>
1-Butanol	71363	U031	5000/1000 <sup>@</sup>
<del>2-Butanone</del>	<del>78933</del>	<del>U159</del>	<del>5000/1000 <sup>⊕</sup></del>
Butenes (all isomers except 1,3 butadiene)	25167673		100 <sup>†</sup>
n-Butyl alcohol	71363	U031	5000/1000 <sup>@</sup>
* * *			
[See Prior Text in Carbonic dichloride]			
Carbonyl sulfide	463581		100/400 <sup>⊕</sup>
* * *			
[See Prior Text in Chlorinated Dibenzo Furans, all isomers - Chromium <sup>3</sup> *]			
Chromium compounds	20064		100 <sup>⊕</sup>
* * *			
[See Prior Text in Copper <sup>3</sup> ]			
Copper Compounds	20086		100 <sup>⊕</sup>
* * *			
[See Prior Text in Cumene]			
1,3-Dichloropropylene	542756		100 <sup>⊕</sup>
* * *			
[See Prior Text in Ethyl acrylate]			
Ethylene	74851		5000 or 100 <sup>†</sup>
Ethylene glycol	107211		5000/5000 <sup>⊕</sup>
Glycol ethers **			100 <sup>⊕</sup>
* * *			
[See Prior Text in Hexane - 1,3-Isobenzofurandione]			
Manganese*	7439965		100 <sup>⊕</sup>
Manganese compounds			100 <sup>⊕</sup>

Pollutant	CAS No. <sup>1</sup>	RCRA <sup>2</sup> Waste Number	Pounds
* * *			
[See Prior Text in Methanethiol]			
Methyl acrylate	96333		10 <sup>@</sup>
* * *			
[See Prior Text in Methyl ethyl ketone (MEK)- 4-Methyl-2-pentanone]			
Methylene diphenyl diisocyanate	101688		1000 <sup>@</sup>
* * *			
[See Prior Text in Nitric acid – Propionaldehyde]			
Propylene	115071		100 <sup>+</sup>
* * *			
[See Prior Text in Strontium sulfide – Thiomethanol]			
Toluene	108883	U220	100 <sup>+</sup>
* * *			
[See Prior Text in Vinyl acetate - Volatile Organic Compounds not otherwise listed <sup>4</sup> ]			
Highly reactive volatile organic compounds listed below: acetaldehyde; butenes (all isomers); ethylene; propylene; toluene; xylene (all isomers); and/or isoprene <sup>5</sup>			100 <sup>+</sup>
* * *			
[See Prior Text in F003 – F005, Methyl ethyl ketone]			

Note \* - Note <sup>4</sup> ...

<sup>5</sup> The combined emission of these highly reactive VOC shall be totaled to determine if a RQ has been exceeded.

Note <sup>@</sup> ...

<sup>+</sup> The RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere for facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30: